UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA ASHEVILLE DIVISION 1:16-cy-00305-RJC

DIXIE L. BYRD,)	
)	
Plaintiff,)	
)	
v.)	
)	ORDER
NANCY A. BERRYHILL,)	
Acting Commissioner of)	
Social Security Administration,)	
)	
Defendant.)	
)	

THIS MATTER comes before the Court on Defendant's Consent Motion for Entry of Judgment with Remand Under Sentence Four of 42 U.S.C. § 405(g). (Doc. No. 9). Under sentence four of 42 U.S.C. § 405(g), "[t]he court shall have the power to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying or reversing the decision of the Commissioner, with or without remanding the cause for a rehearing." See also Shalala v. Schaefer, 509 U.S. 292, 296–97 (1993); Melkonyan v. Sullivan, 501 U.S. 89, 98 (1991).

Pursuant to the power of this Court to enter a judgment affirming, modifying, or reversing the Commissioner's decision with remand in Social Security actions under sentence four of 42 U.S.C. § 405(g), and in light of Defendant's request to remand this action for further administrative proceedings, the Court hereby reverses the Commissioner's decision under sentence four of 42 U.S.C. § 405(g) with a remand of the cause to the Commissioner for further administrative proceedings, including a supplemental hearing.

Upon remand, the Administrative Law Judge ("ALJ") shall hold a supplemental hearing; take any action needed to complete the administrative record; obtain further vocational expert

testimony if necessary; and issue a new decision. The ALJ is directed to evaluate and explain what weight is afforded to all opinions found in the record; evaluate anew Plaintiff's impairments in accordance with Social Security regulations; reevaluate whether Plaintiff's impairments meet a Listing; further consider Plaintiff's residual functional capacity; further

evaluate Plaintiff's subjective complaints; and address and resolve any apparent conflicts in the

record.

Because this matter is hereby remanded to the Commissioner, Plaintiff's Motion for Summary Judgment, (Doc. No. 7), is most and shall be dismissed.

IT IS, THEREFORE, ORDERED, for good cause shown, that:

1. Defendant's Consent Motion for Entry of Judgment with Remand Under Sentence

Four of 42 U.S.C. § 405(g), (Doc. No. 9), is **GRANTED**. The Court hereby

REVERSES the decision of the Commissioner and **REMANDS** this case for

further administrative proceedings.

2. Plaintiff's Motion for Summary Judgment, (Doc. No. 7), is **DISMISSED as**

moot.

3. The Clerk of the Court is directed to enter a separate judgment pursuant to Federal

Rule of Civil Procedure 58 and to close this case.

Signed: March 29, 2017

Robert J. Conrad, Jr.

United States District Judge